

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION No.9786 of 2021**

**ORDER:**

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners/A.1 and A.2 in connection with C.O.R.No.268 of 2021 of Prohibition and Excise Station, Bhadrachalam, wherein the petitioners are alleged to have committed the offence punishable under Section 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 07.11.2021, on credible information of illegal transportation of ganja, the Inspector, Prohibition and Excise Station, Bhadrachalam along with staff, conducting vehicle checking. During checking of the vehicle, they found that two persons were in possession of 12 kgs. of dry ganja in white polythene cover. Police seized 12 kgs. of dry ganja and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.Parsa Ananth Nageswar Rao, learned counsel for petitioners, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that the alleged ganja seized from the petitioners is 12 kgs., which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act. He submits that the petitioners are arrested and remanded to judicial custody on

07.11.2021 and ever since they are languishing in jail. The petitioners have no criminal antecedents. Hence, the petitioners' case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that investigation is pending and so far two witnesses were examined. Hence, the petitioners are not entitled for bail at this stage..

6. Taking into the consideration the fact that the contraband that is seized is only 12 kgs., which is not a commercial quantity, there is no bar under Section 37 of the NDPS Act and further the petitioners are not habitual offenders, this Court deems it appropriate to grant bail to the petitioners/A.1 and A.2.

7. Accordingly, this Criminal Petition is allowed and the petitioners/A.1 and A.2 shall be enlarged on bail on their executing personal bonds for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the I Additional Sessions Judge, Khammam. On such release, the petitioners shall appear before the Station House Officer, Prohibition and Excise Station, Bhadrachalam, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

As a sequel, all the pending miscellaneous applications shall stand closed.

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**LALITHA KANNEGANTI, J**

Date: 28.12.2021

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